



CANNON BUILDING  
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**STATE OF DELAWARE**  
**BOARD OF COSMETOLOGY AND BARBERING**

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PUBLIC MEETING MINUTES:	<b>Board of Cosmetology and Barbering</b>
MEETING DATE AND TIME:	<b>Monday, October 31, 2016 at 9:00 a.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , Second Floor of the Cannon Building
MINUTES APPROVED:	<b>APPROVED- November 28, 2016</b>

**MEMBERS PRESENT**

Derrick Reed, Professional Member  
Kathleen Sherwin, Public Member  
Albert Niezgoda, Professional Member  
Gina Marsilii, Professional Member  
Tien Le, Professional Member  
Linda Wilson, Professional Member  
Sherry Wilkins, Public Member  
Vic Kennedy, Public Member  
Gregory Meyers, Professional Member  
Hillary Reid, Professional Member

**MEMBERS ABSENT**

Lauren Pressey, Professional Member  
Domonique Vicks, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Eileen Kelly, Deputy Attorney General  
Melanie Alexander, Administrative Specialist II  
Virginia Jackson, Administrative Specialist II

**OTHERS PRESENT**

Michael Thompson  
John Glover  
Joseph Moore  
Michelle Hameed  
Michael P. With Hodgson Vo Tech  
Chester H.  
Apolonio Patten  
Reilee Shockley

### **CALL TO ORDER**

Mr. Reed called the meeting to order at 9:10 a.m.

### **REVIEW OF MINUTES**

A motion was made by Ms. Sherwin, second by Mr. Meyers, to approve the September 26, 2016 contingent upon one update. The motion carried unanimously.

### **UNFINISHED BUSINESS**

#### **Re-Review of Applications**

##### **Tam Thi Nguyen**

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins, to approve the withdrawal of the Aesthetician application of Tam Thi Nguyen. The motion carried unanimously.

##### **Be Well Massage & Skin Care**

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins, to approve the Shop application of Be Well Massage & Skin Care. The motion carried unanimously.

##### **Reynon Abcede**

A motion was made by Ms. Marsilii, seconded by Mr. Kennedy, to approve the withdrawal of the Apprentice application of Reynon Abcede. The motion carried unanimously.

### **Proposal to Deny Hearing - Joshua Santiago**

Ms. Kelly called the hearing to order at 9:35a and stated that this was a continuation of Joshua Santiago's original proposal to deny hearing of his Barber exam application that began on June 27, 2016. The Board then introduced themselves for the record. Ms. Kelly introduced exhibit #1 the application, supporting documents, correspondences, and the multiple hearing notices.

Ms. Kelly then called Ms. Alexander as a witness, swore her in at 9:36a and asked where she worked and what her roll was. Ms. Alexander explained that she worked for the Division of Professional Regulations and that her roll included sending out proposal to deny notices to applicants, and to schedule hearings if the applicant requests one. Ms. Alexander explained that multiple hearing notices had been sent and received to Mr. Santiago, via certified mail, 1<sup>st</sup> class mail, and email the certified cards had been returned as signed for on multiple occasions, none of the 1<sup>st</sup> class mail had been returned and the emails never came back as invalid email address. Ms. Alexander also stated that since he was aware that he does not meet the requirements for a waiver that he could ask to withdraw his application so that he wouldn't have a denial on his record. However there has been no response from Mr. Santiago regarding his hearing dates or withdrawing his application. Ms. Kelly explained that the certified mail cards being signed for and the 1<sup>st</sup> class mail not being returned showed good and valid notice of the scheduled hearing had been received by Mr. Santiago and the remainder of the hearing went forward.

Ms. Kelly then explained the criminal charge of conspiracy in the 1<sup>st</sup> degree that he was convicted of in 2010 was the reason for the original proposal to deny hearing and the reason why he needed a waiver. She also explained the requirements that must be met for a waiver to be granted. Ms. Kelly explained that Mr. Santiago does not meet the

requirements for a waiver at this time. The Board had no questions for Ms. Alexander and went into deliberations at 9:38a.

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins to deny the Barber application of Joshua Santiago. The motion carried unanimously.

**Proposal to Deny Hearing – Apalonio Patten**

Ms. Kelly called the hearing to order at 09:41 and stated that today's hearing was a result of the Board proposing to deny the Barber Apprentice application of Apalonio Patten. Ms. Kelly entered as Board exhibit #1 the Mr. Patten's application and supporting documents. The Board members were introduced. Mr. Patten stated that he was ready to proceed sans attorney and was sworn in by Ms. Kelly at 9:44a.

Mr. Patten stated that he has been off probation for 2 years now and he is trying to be a better person, he gives back to his community, he also stated that he feeds the homeless every Monday and wants to move on and he has a talent. He stated that he can speak to his younger clients about not making the same mistakes that he did. He just wants something permanent and positive in his life, and he truly loves to cut hair.

Mr. Reed asked Ms. Kelly if it has been the full 5 years since he was convicted and Ms. Kelly confirmed that it has been. Ms. Kelly then explained the criminal charges that he was convicted of that require the waiver are the 2009 1<sup>st</sup> degree robbery, 2005 3<sup>rd</sup> degree forgery, 2 convictions of 1<sup>st</sup> degree robbery in 2000, and 2 convictions 2<sup>nd</sup> degree robbery in 2000 were the reason for the original proposal to deny hearing and the reason why he needs a waiver. She also explained the requirements that must be met before a waiver can be granted. Ms. Kelly asked if there were any questions the Board would like to ask Mr. Patten, with there being none, the Board went into deliberations at 9:47a. Ms. Kelly advised them that they must decide whether Mr. Patten can practice professionally and competently without posing a risk to the public.

A motion was made by Mr. Meyers, seconded by Ms. Sherwin, to grant the waiver for a Barber Apprentice license to Apalonio Patten. The motion carried unanimously.

**Proposal to Deny Hearing – Nicholas Harris**

Ms. Kelly called the hearing to order at 9:48a and stated that today's hearing was the result of the Board proposing to deny Nicholas Harris's Barber exam application and the original proposal to deny hearing was tabled at the September 26, 2016 meeting. The Board then introduced themselves for the record. Ms. Kelly introduced exhibit #1 the application, supporting documents, correspondences, and the multiple hearing notices.

Ms. Kelly then swore in Ms. Alexander as a witness, at 9:48a and asked where she worked and what her roll was. Ms. Alexander explained that she worked for the Division of Professional Regulations and that her roll included sending out proposal to deny notices to applicants, and to schedule hearings if the applicant requests one. Ms. Alexander explained that 2 hearing notices were sent to Mr. Harris and according to the certified mail cards were signed for and received at the address he provided. Ms. Alexander also stated that she and Mr. Harris had very lengthy conversations via email about the entire hearing process, and that July 27, 2016 was the last time that she had heard from him. Ms. Kelly explained that the certified mail cards being signed for and the 1<sup>st</sup> class mail not being returned showed good and valid notice of the hearing had been received by Mr. Harris and the remainder of the hearing went forward.

Ms. Kelly then explained the criminal charge that he was convicted of in 2011 for distribution, deliver, possession of a controlled substance within 300ft of a park, are the reason for the original proposal to deny hearing and the reason why he needs a waiver. She also explained the requirements that must be met for a waiver to be granted. The Board had no questions for Ms. Alexander and went into deliberations at 9:54a.

A motion was made by Mr. Meyers, seconded by Ms. Le to deny the Barber application of Nicholas Harris. The motion carried unanimously.

#### **Proposal to Deny Hearing – John Glover**

Ms. Kelly called the hearing to order at 09:54a and stated that today's hearing was a result of the Board proposing to deny the Barber Apprentice application of John Glover. Ms. Kelly entered as Board exhibit #1 the application and supporting documents. The Board members were introduced. Ms. Kelly explained why Mr. Glover needs a waiver and what qualifications must be met in order to be granted one. Ms. Kelly explained that his charges from 2013 in which he was found guilty in 2014 for burglary in the first degree armed with explosives or a firearm are the reason that a waiver is needed. However the qualifications for a waiver have not been met at this time since it has not been 5 years since his conviction. Mr. Glover stated that he was ready to proceed sans attorney and was sworn in by Ms. Kelly at 9:55a.

Mr. Glover stated that he is not perfect and he is only 29 years old and he is supposed to be off of probation as of April 2016. He said he thought he was being a friend and found out he wasn't being true to himself. He just wants to move forward and not let his past hold him back. Ms. Kelly asked if he is aware of the 5 year period that must pass after the conviction to even qualify for the waiver, Mr. Glover said he is aware of it, Ms. Kelly advised him that he does not meet that qualification, and asked him if he would like to withdraw his application. Mr. Glover repeatedly stated he would not withdraw his application that he needed to try to do everything he could to get his license. Ms. Kelly explained he will be denied no matter what he says on this day, unless he asks to withdraw his application. She explained that with a denial on his record could it affect him obtaining a license in the future and in other states. Ms. Kelly also advised him, that if the law changes in the near future he can always reapply. Mr. Glover then stated he would like to withdraw his application.

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins, to accept with withdrawal of John Glover's Barber Apprentice application. The motion carried unanimously.

#### **Review of Substantially Related Crimes List**

The Board went through the crimes list and discussed which crimes they wish to keep on the list and which they would like to remove. The Board will vote on the changes at the next meeting after they have been drafted by Ms. Kelly.

#### **NEW BUSINESS**

##### **Ratification of Applications**

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Aesthetician applications of: Alexis N. Tomlinson, Giang Thi My Bui, Elizabeth A. Porter, Stephanie A. Edwards, Jennifer E. Marciante, Kaitlyn T. Payne, and Lan Thi Nguyen. The motion carried unanimously.

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Barber/Master Barber applications of: Trisha Edwards and James Gildea. The motion carried unanimously.

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Cosmetologist applications of: Adrianna Brooks, Nichole Mcelhiney, Victoria L. Pease, Elizabeth Vazquez-Castillo, Hermina J. Walker, Samantha R. Garrano, Erica S. Felder, Janine M. Gorman, Christina M. Sheldon, Angela G.P. Lyles, Hoai Nhi Thi Nguyen, Jennifer V. Palasik, Gloria J. Valente, Mariela Pano, Tanya L. Green, Hee Jeon C. Kim, Chelsea M. Kincaid, Genevieve B. Rivenbark, Alexandra Martz, Shanna M. Beisel, Kim Huong Thi Ho, Ashley N. Ward, Caroline E. Bramble, Rochelle V. Byrd, Amanda L. Collazo, Lauren Hardy, Caitlin Hoesterey, Sheena Kenney, Beth Rankin, Brittany J. Russell, Grace P. Soul, Tara Terry, Kathryn Whitby, Jaclynn Whittle, Kaylin Novak, and Elina Palmes. The motion carried unanimously.

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Cosmetology Instructor application of: Renee E. Burdge. The motion carried unanimously.

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Electrologist applications of: Rachel Thorpe. The motion carried unanimously.

A motion was made by Ms. Wilkins seconded by Ms. Marsilli, to approve the Nail Technician applications of: Julie Nhung Dinh, Cui Lin, Hong T. Tran, Kim Anh Ho, Tin Tien Nguyen, Kim Loan Thi Hong, Nu T. Nguyen, Devon M. Colosimo, Katerina Muska, Be Thuy Thi Nguyen, and Hoan Thi Nguyen. The motion carried unanimously.

#### Review of Reciprocity and Apprentice Applications

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins, to approve the applications as stated below. The motion carried unanimously.

1. Han Thi Ngoc Nguyen- Nail Tech- Approved
2. Tina Yen Nguyen- Cosmetologist- Approved
3. Thoa Minh Vong- Nail Tech- Approved
4. Ngoc C. Phan- Nail Tech- Approved
5. Ben Van Tran-Nail Tech- Approved
6. Kathy Tran-Nail Tech- Approved
7. Nhung Phi-Nail Tech- Approved
8. Amarleno Fields-Master Barber- Approved contingent upon receipt of verification letter
9. Lindsey Sahlberg-Cosmetolgist- Approved
10. Theresa Barbiche-Cosmologist- Approved
11. Brenda Ellis-Cosmetologist- Approved
12. Tan An Duong- Aesthetician- Approved

#### Review of Shop/Salon Applications

A motion was made by Ms. Wilkins, seconded by Ms. Le, to approve the applications as stated below. The motion carried unanimously.

1. Tulip Of Chau- **Approved**
2. Images Salon, Inc- **Approved contingent upon receipt of**
3. 302 Cutz & Salon- **Tabled for no Business License or hand sink**
4. Bella Nails I, Inc- **Tabled for no Business License**
5. Rt 13 Hair Cut- **Approved contingent upon receipt of Business License**
6. All About U an Avedo Concept Salon- **Approved**
7. LNA Salon- **Approved**
8. QB's Barbershop and Salon- **Approved**
9. QB's Beauty Salon 2- **Approved**
10. La Belle Artistry LLC dba La Belle Studio- **Approved**

#### **DAG Review**

A motion was made by Ms. Sherwin, seconded by Mr. Meyers, to grant a waiver to Michelle Hammeed based on the references that were sent in on her behalf, instead of having a PTD hearing. The Motion carried unanimously.

A motion was made by Ms. Le, seconded by Ms. Sherwin to approve the application of Elizabeth Barragan, based on the fact that the Board historically approves home school students. The motion carried unanimously.

A motion was made by Ms. Marsilii, seconded by Ms. Sherwin to table the application of Mirey Martinez Lopez until more information can be gathered. The motion carried unanimously.

#### **Miscellaneous Review & Discussion**

Ms. Jackson one of the licensee specialists for the Division of Professional Regulations spoke to the Board about possibly creating specific guidelines that all apprentice supervisors must follow in order to apprentice someone, because of many complaints that the Division has been receiving against supervisors.

Ms. Jackson also spoke to the Board about the NIC conference that she recently attended which included a uniform model cosmetology act, that would make a uniform requirement for each specialty that all states would follow so that it is not so hard for licensees to become licensed in other states, and it would make it so that all states are on the same level of education, training, and testing requirements. She advised the Board that it will most likely take at least a year for the NIC to gather the needed information.

Ms. Jackson also explained to the Board that during the conference Infection control was a topic of discussion, and that since the Department of Health overseas those requirements for this profession at this time there may be things that they might miss because they don't quite understand the profession and the standards that need to be met. Ms. Kelly advised Ms. Jackson that the Department of Health recently updated the Cosmetology regulations, and suggested that maybe she discuss some of her concerns with the liaison that we have worked with in the past.

Ms. Alexander advised the Board to please take the packets provided by Ms. Jackson with them when they leave, so that they can read them very carefully since it is a lot of information to take in right away. Ms. Alexander advised that after they have had time to review the information and gather their thoughts and any notes or issues they would like to discuss on all of the topics Ms. Jackson brought to their attention they would then be added to an upcoming agenda to be discussed in detail. Ms. Alexander also advised Ms. Jackson that she would provide her with the contact information for the person she would need to speak to at the Department of Health.

*Review and Consideration of Consent Agreements*

A motion was made by Ms. Le, seconded by Ms. Wilkins, to accept the consent agreement as presented for Jenny My Nguyen. The motion carried unanimously.

A motion was made by Ms. Marsilii, seconded by Mr. Meyers, to reject the consent agreement as presented for Thoi K. Nguyen. The motion carried unanimously.

A motion was made by Ms. Le, seconded by Mr. Meyers, to accept the consent agreement as presented for Anna X. Nguyen. The motion carried unanimously.

A motion was made by Ms. Sherwin, seconded by Ms. Le, to accept the consent agreement as presented for Samara Ashley Anderson. The motion carried unanimously.

A motion was made by Ms. Wilkins, seconded by Ms. Sherwin, to accept the consent agreement as presented for Lena Thi Duong. The motion carried unanimously.

A motion was made by Ms. Marsilii, seconded by Ms. Sherwin, to accept the consent agreement as presented for Carolyn S. Reed. The motion carried unanimously.

*Review and Consideration of Hearing Officer Recommendations*

A motion was made by Ms. Sherwin, seconded by Ms. Wilkins, to accept the hearing officer recommendation of Jason R. Armstead. The motion carried unanimously.

**CORRESPONDENCE**

Jacqueline Watson submitted a question to the Board asking if someone completed their education 17 years ago can they apply to take the exam now. The Board advised that they would have to apply to PCS and go through the process, to evaluate if their education meets standard regulations at this time. If they do not meet criteria then the application would have to go before the board for review.

Victoria Minniti submitted a question to the Board asking if she can volunteer her time doing facials for free, no exchange of money, and if insurance would be required. The Board advised that she may provide free facials as long as she does so in a licensed shop.

Melissa Leonard submitted a question to the Board asking if an aesthetician is allowed to perform microdermabrasion, and chemical peel treatments. The Board advised that aestheticians may perform microdermabrasion within their scope of practice and without physician supervision. They also stated that under their scope they cannot penetrate the skin in any way what so ever. They also referred her to the definition in the statute of an Aesthetician which explains what they are allowed to do within the scope of their license.

Karol Ferrin submitted a few questions to the Board. The Board answers to those questions are as follows. Yes cosmetologists and aestheticians may perform microdermabrasion. Yes red and blue LED light therapy is within their scope of practice. And they also said that yes they may use facial stimulation by mechanical means (i.e. vacuum cup).

#### **OTHER BUSINESS BEFORE THE BOARD**

A motion was made by Mr. Gregory, seconded by Ms. Le, to amend the agenda to add discussion of the 5107 Prison Barbering Program. The motion carried unanimously.

Ms. Kelly described how another state runs their program and the Board reviewed the document that was distributed to them outlining the Department of Corrections Barbering Training Program.

The Board will discuss the program further at the next meeting. Ms. Kelly asked Ms. Alexander to add it to the November agenda.

#### **PUBLIC COMMENT**

#### **NEXT SCHEDULED MEETING**

The next Board meeting will be held on January 30, 2017 at 9:00 a.m. in conference room A.

#### **ADJOURNMENT**

With no further business before the Board, a motion was made by Ms. Sherwin, seconded by Mr. Meyers, to adjourn the meeting. The motion carried unanimously. The meeting adjourned and went off record at 11:40 a.m.

Respectfully submitted

A handwritten signature in cursive script, appearing to read 'Melanie Alexander', written in dark ink.

Melanie Alexander  
Administrative Specialist II